BOARD OF ADJUSTMENT REPORT



MEETING DATE: 1/4/2006 ITEM NO. ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Scottsdale Ridge Office Suite

(15-BA-2005)

REQUEST Request to approve a variance from Article V. Section 5.2204.E.2.a

and 5.2204.E.3.a regarding yard setbacks when abutting a single-

SCOTTSDALE RD

ż

E ADOBE DR

SITE

E DEER VALLEY RD

E GALLEGO LN

family residential district.

OWNER Shea Commercial

480-451-9077

APPLICANT CONTACT Steve Bauer

Shea Commercial 480-451-9077

LOCATION 21801 N Scottsdale Rd

CODE ENFORCEMENT

ACTIVITY

PUBLIC COMMENT At the time of drafting this

None

report there has been no public comment.

ZONE The site is zoned Commercial Office (C-O), which allows for office and

related uses.

ZONING/DEVELOPMENT

CONTEXT

The site is located on the southeast corner of Scottsdale Road and Deer Valley Roads. The site is currently being developed as office

condominiums.

ORDINANCE

REQUIREMENTS

Section 5.2204.E.2 regarding side yard setbacks. A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district.

Requirement: 50 feet

Proposed: 30 feet

The applicant is requesting a variance to the city zoning code for the construction of parking canopies within the required 50-foot setback. The surrounding property is zoned:

- North: C-O, C-2 and C-4 (Commercial Office/General Business District), Proposed Office/warehouse, Bank, and Carwash.
- South/East: R1-43 (APS Substation), and R-5 (Residential)
- West: Scottsdale Road and the City of Phoenix.

DISCUSSION

The applicant is currently developing an office and retail development on 14.4 acres. The specific request pertains to the applicant's proposal to construct parking canopies located adjacent to the southeast property line, north of Deer Valley Road. Along the southeastern border of the site is a parcel owned by the Arizona Public Service utility company and used as a utility substation (zoned R1-43 district). There is a 240-foot wide power transmission line and easement separating the substation from the existing subdivision further to the east.

There is approximately 800-feet between the parking canopy and the closest residential structure. Development of the available residential zoned land to the east of the proposed canopies are restricted by the existing APS substation and the power transmission line easement.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:
 - The applicant states that the requested variance applies to a standard that is intended to provide a reasonable setback to commercial structures from residential properties. The adjacent property is not now and never will be used for residential purposes. In fact, the utility substation use could be considered as a use that is more intensive than commercial office uses and therefore, the setback buffer is not necessary.
- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The applicant states that in the desert environment, covered parking areas are standard and expected amenities in commercial office projects. The requested variance will provide for covered parking for office users in an appropriate location of the project.

3. That special circumstances were not created by the owner or applicant:

The applicant states that the proposed variance will provide a consistency of the site design provided at other retail and office projects. Given the design quality and area context of this use, there is no impact from the requested variances.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The applicant states that the proposed variance does not alter or subvert the intent of the ordinance setback provision. Given the

adjacent quasi-industrial substation use, the 30-foot landscape setback is more than adequate and consistent with the quality of the open space provided for this project. The provision of the covered parking structures on the property is not detrimental to the area residential properties. The proposed office services are of benefit to the area and the City of Scottsdale.

STAFF CONTACT

Greg Williams, Senior Planner

Report Author

Phone: 480-312-4205

E-mail:GWilliams@Scottsdaleaz.gov

Tim Curtis, AICP Principal Planner Phone: 480-312-4210

E-mail: TCurtis@ScottsdaleAZ.gov

ATTACHMENTS

- 1. Project Description
- 2. Justification
- 3. Context Aerial
- 4. Aerial Close-up
- 5. Zoning Map
- 6. Photographs
- 7. Proposed Site Plan

Scottsdale Ridge Covered Parking Variance Request

Shea Commercial is currently developing the Scottsdale Ridge office and retail development located at the northeast corner of Deer Valley and Scottsdale Roads. The project is approximately 14.4 acres in size and is zoned C-2 (Commercial Retail) and C-O (Commercial Office). The proposed retail building comprises 16,000 square feet of retail and restaurant space located adjacent to Scottsdale Road, approximately 250 feet north of Deer Valley Road. The proposed office complex includes one, two-story office building located at the immediate northeast corner of Deer Valley and Scottsdale Roads and eleven, one-story buildings located to the east. The two-story building comprises 40,000 square feet of office space and the one-story buildings range in size from approximately 5,000 square feet to approximately 9,000 square feet.

This request seeks a variance to the setback requirement in the C-O zoning district. The Zoning Ordinance requires that structures provide a minimum fifty (50) foot rear yard setback when the rear yard is adjacent to a single-family residential district.

The specific request pertains to proposed parking canopies located adjacent to the east property line, just north of Deer Valley Road. The adjacent property is zoned R1-43 and is developed with an electrical substation owned and operated by Arizona Public Service. A thirty (30) foot landscape setback is provided between the east property line and the parking canopy structures.

While the Zoning Ordinance standard specifies a large setback for the purpose of transition from residential to commercial use, the existing substation use, while located in a residential zoning district, is commercial or industrial in nature. Approval of this request will no be detrimental to any area residential properties.

Justification of Variance

Scottsdale Ridge

Background

Shea Commercial is currently developing the Scottsdale Ridge office and retail development located at the northeast corner of Deer Valley and Scottsdale Roads. The project is approximately 14.4 acres in size and is zoned C-2 (Commercial Retail) and C-O (Commercial Office). The proposed retail building comprises 16,000 square feet of retail and restaurant space located adjacent to Scottsdale Road, approximately 250 feet north of Deer Valley Road. The proposed office complex includes one, two-story office building located at the immediate northeast corner of Deer Valley and Scottsdale Roads and eleven, one-story buildings located to the east. The two-story building comprises 40,000 square feet of office space and the one-story buildings range in size from approximately 5,000 square feet to approximately 9,000 square feet.

This request seeks a variance to the rear yard setback requirement in the C-O zoning district. The Zoning Ordinance requires that structures provide a minimum fifty (50) foot rear yard setback when the rear yard is adjacent to a single-family residential district.

The specific request pertains to proposed parking canopies located adjacent to the east property line, just north of Deer Valley Road. The parking canopies are considered by the Zoning Ordinance as structures for setback purposes. The adjacent property is zoned R1-43 and is developed with an electrical substation owned and operated by Arizona Public Service. A thirty (30) foot landscape setback is provided between the east property line and the parking canopy structures.

1. Special circumstances/conditions exist which do not apply to other properties in the district.

The requested variance applies to a standard that is intended to provide a reasonable setback to commercial structures from residential properties. The adjacent property is not now and never will be used for residential purposes. In fact, the utility substation use could be considered as a use that is more intensive than commercial office uses and therefore, the setback buffer is not necessary.

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights.

In the desert environment, covered parking areas are standard and expected amenities in commercial office projects. The requested variance will provide for covered parking for office users in an appropriate location of the project.

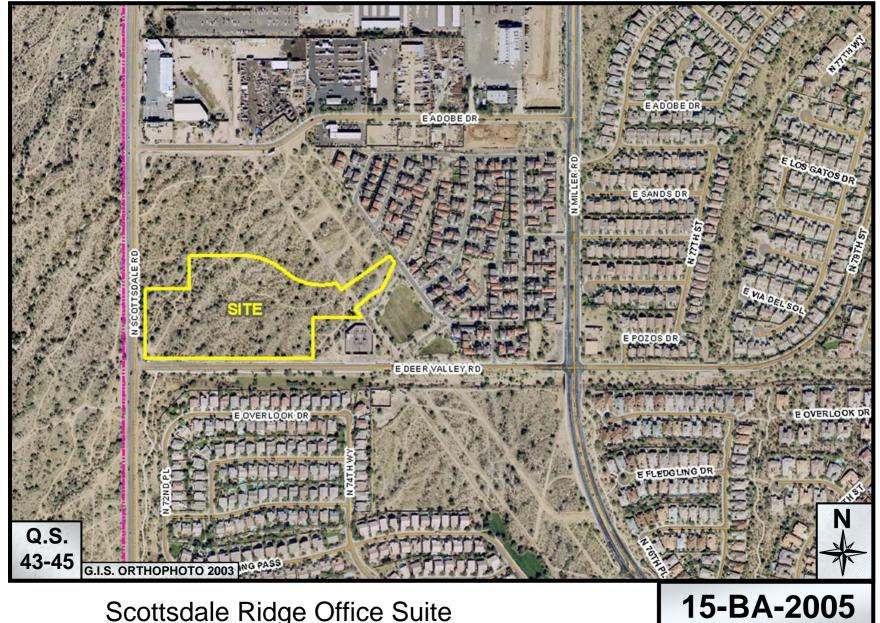
3. Special circumstances were not created by the owner or applicant.

The proposed variance will provide a consistency of site design provided at other retail and office projects in Tempe. Given the design quality and area context of this use, there is no impact from the requested variances.

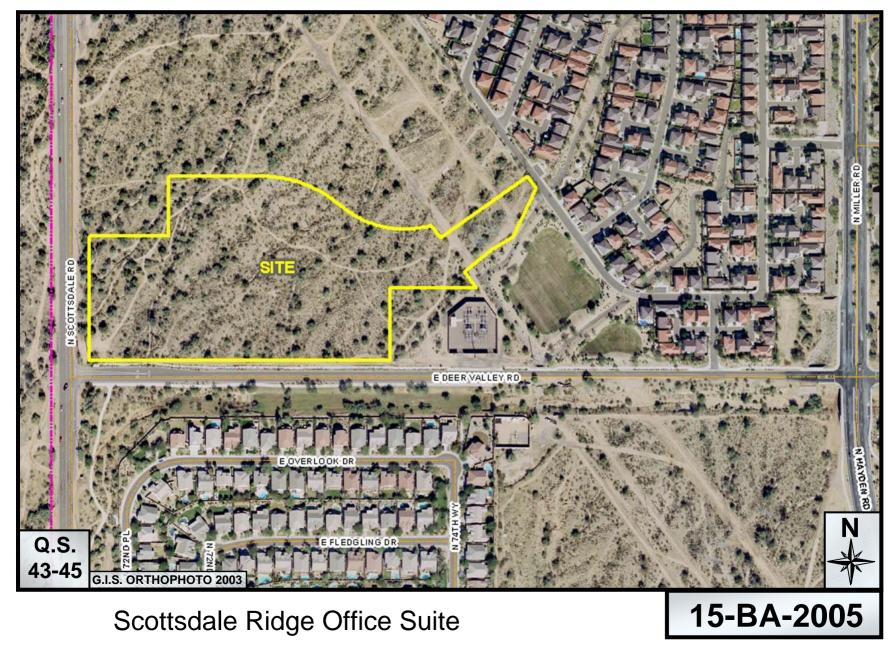
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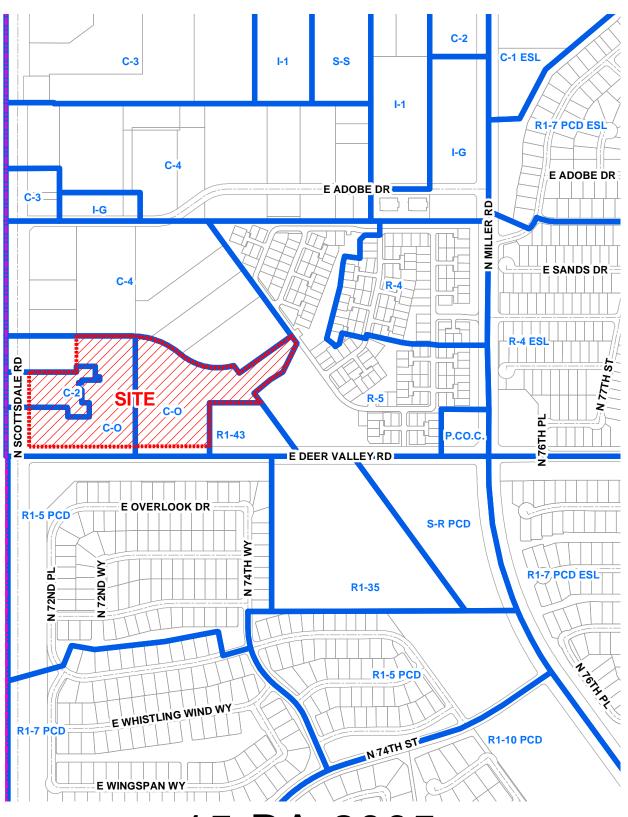
4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or the public welfare in general.

The proposed variance does not alter or subvert the intent of the Ordinance setback provision. Given the adjacent quasi-industrial substation use, the provided 30-foot landscape setback is more than adequate and consistent with the quality of the open space provided for the project. The provision of covered parking structures on the property is not detrimental to the area or area residential properties. The proposed office services are of benefit to the area and the City of Scottsdale.



Scottsdale Ridge Office Suite





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ATTACHMENT #5

212-02-010B

